
Appeal Decision

Site visit made on 5 November 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 January 2025

Appeal Ref: APP/N1160/Z/24/3339605

Weston Mill Filling Station, Wolseley Road, Plymouth PL5 1BL

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Vivid Outdoor Media Solutions (C) Ltd against the decision of Plymouth City Council.
 - The application Ref is 23/01543/ADV.
 - The advertisement proposed is installation of 1 x 48 sheet free-standing LED illumination advertising display panel (measuring 6.2m wide x 3.2m high and comprising pressed metal frame and sealed LED screen).
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Decision

1. The appeal is allowed and express consent is granted for the installation of 1 x 48 sheet free-standing LED illumination advertising display panel (measuring 6.2m wide x 3.2m high and comprising pressed metal frame and sealed LED screen) at Weston Mill Filling Station, Wolseley Road, Plymouth, PL5 1BL in accordance with the terms of the application, Ref 23/01543/ADV, dated 1 November 2023. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in Schedule 2 of the Regulations¹ and the attached schedule of conditions.

Preliminary Matter

2. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety. In my determination of the appeal, the Council's policies will not therefore, by themselves, be decisive. Nevertheless, even though not decisive, they do form a material consideration.
3. A revised National Planning Policy Framework (the Framework) was published on 12 December 2024. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework.

Main Issues

4. The main issues are the effect of the proposed sign on:
 - the amenity of the area; and
 - public safety.

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

Reasons

Amenity of the area

5. The proposed location for the LED illumination advertising display panel is near to the boundary between Weston Mill Filling Station and the adjacent car dealership. The side of the road where the display panel would be erected is distinctly commercial in character and appearance. However, there are residential properties on the opposite side of the road, which gives the wider area around the site a character and appearance that is mixed residential and commercial.
6. The proposed display panel would be positioned next to a totem sign advertising fuel prices and its overall height would be similar to the existing sign. However, the display panel would have a larger massing, and the display screen would make it more visually noticeable than the totem sign. Having said that, the display panel would not be seen in the context of the residential properties on the opposite side of the road. As such, the proposed display panel would not overly commercialise the character and appearance of the area. This is particularly when having regard to the presence of the existing signage around the site and its orientation facing over a petrol station with its own signage, including the totem sign.
7. I acknowledge that the illuminated nature of the display panel means that it would potentially be eye catching, but a condition can be attached to restrict the digital display to a certain level of luminance. Additionally, a condition setting the parameters for the images displayed on the display panel can be attached to prevent visual harm resulting from eye catching moving images and overly elaborate transitions between images.
8. For these reasons, I conclude that the proposal would not harm the amenity of the area. Consequently, the proposal would comply with Policies DEV1 and DEV20 of the Plymouth and Southwest Devon Joint Local Plan 2014 – 2034 (LP), which collectively seek, in part, for development to contribute positively to townscape and protect and improve the quality of the built environment and the amenity of local communities. The proposal would also comply with the Framework, insofar as it requires that advertisements are sited and designed to maintain the quality and character of places.

Public safety

9. The Planning Practice Guidance sets out that all advertisements are intended to attract attention but proposed advertisements at points where drivers need to take more care are more likely to affect public safety, such as at junctions, roundabouts, pedestrian crossings, on the approach to a low bridge or level crossing or other places where local conditions present traffic hazards.
10. Drivers would be able to see the display panel when travelling from west to east along Wolseley Road. The major junction with the St Budeaux Bypass is a significant distance from the appeal site and the proposal would therefore not materially impact on the safe use of that junction. To the west of the site there are roads that join Wolseley Road from the south, namely Harbour Avenue and Hamoaze Avenue. The distances from the site to those junctions is such that the display panel would be seen in the distance and would not form an overtly distracting presence in those locations.

11. The nearest junction to the site is where Carlton Terrace meets Wolseley Road. Carlton Terrace is a sloping and relatively narrow road that serves residential properties along its length. It becomes one way nearer to the top of the road and vehicles therefore cannot be driven between Bridwell Close and Wolseley Road. Given the restriction of direction of movement along Carlton Terrace and that it does not serve a substantial amount of properties, I do not envisage a high volume of traffic using the junction of Carlton Terrace with Wolseley Road. As such, the potential for collisions between vehicles travelling along Wolseley Road in an eastern direction and vehicles turning into, or emerging from, Carlton Terrace would be limited.
12. In terms of vehicles egressing from the car dealership or the petrol station, as the proposed display panel would be sited a considerable distance into the site and not close to the edge of the road, it would not compromise the sight lines up and down Wolseley Road that are currently available to drivers leaving those premises. Furthermore, the envisaged vehicle movements associated with those premises is low and the potential for collisions to occur as a result of the installation of the display panel would be limited.
13. I note that there have been two minor injury collisions adjacent to the site in the last five years. However, I have limited information before me explaining where exactly the collisions occurred or that they happened as a result of a distraction. I also acknowledge the Council's comment that the stretch of road requires uninterrupted concentration and awareness. However, drivers should be concentrating and aware anywhere on the road network. Based on the available evidence, I do not see that Wolseley Road is a road that requires a special level of concentration and awareness in comparison to other roads in the city.
14. The Council refers to there being pavements on both sides of the road. However, I am not persuaded by the evidence that the proposed display panel would cause a distraction where a vehicle would mount the pavement on a relatively straight section of road. In respect of the cycle lane, it is closest to vehicles travelling away from the display panel and those drivers would therefore not be distracted by the proposal. The display panel would be seen as a relatively distant feature from the position of the bus stop, and it would therefore not distract drivers that need to react to a bus stopping or already stopped at the bus stop.
15. The siting of the proposal adjacent to the petrol station's totem sign with its own illuminated advertising, although at a smaller scale than the proposal, would lead to the display panel assimilating into its immediate environment and not attracting the full attention of drivers travelling along Wolseley Road. Furthermore, the display would not be mistaken for a traffic signal, road sign or the headlights of vehicles travelling in either direction due to its position away from the highway. Appropriately worded conditions can also preclude moving images, limit luminance levels to 300 cd/m during the night and to ambient light levels, restrict changes of display to no more frequent than every 10 seconds and ensure a black screen if the display malfunctions, and this would help to prevent the display panel forming an unacceptable distraction for road users.
16. Having regard to the locational context of the proposal, the surrounding existing signage and the ability to prevent moving images, limit luminance levels and restrict the frequency of image changes, the proposed display panel would not have a harmful impact on public safety.

17. For these reasons, I conclude that the proposal would not cause material harm to public safety. Consequently, the proposal would comply with Policy DEV29 of the LP, which seeks, in part, that development contributes positively to the achievement of a high quality, effective and safe transport system in the Plan Area. The proposal would also comply with the Framework, insofar as it seeks to avoid an unacceptable impact on highway safety.

Conclusion

18. For the above reasons, I find that the proposal would not harm the visual amenity of the area or public safety. Accordingly, the appeal should be allowed and express consent granted subject to the further specified conditions.

K Reeves

INSPECTOR

Schedule of Conditions

- 1) The maximum level of luminance shall be no more than 300 cd/m² during hours of darkness (dusk until dawn). In daylight hours, the level of luminance shall at all times be no greater than the recommended maximum daytime luminance values set out in the Institution of Lighting Professionals – Professional Lighting Guide (PLG 05) ‘Brightness of Illuminated Advertisements including Digital Displays’ (or its equivalent in a replacement guide) in cd/m². The level of luminance of the advertisement display shall be controlled by light sensors that measure ambient light levels and automatically control the perceived brightness to within the limits set by this condition.
- 2) The advertisement display shall contain at all times a feature that will turn off the screen (i.e. show a black screen) in the event that the display experiences a malfunction or error.
- 3) The advertisement display shall only display static images and shall not display any moving images, animation, intermittent or full motion video images, or any images that resemble road signs or traffic signals.
- 4) No individual advertisement shall be displayed for a duration of less than 10 seconds and the transition between advertisement images shall take place over a period no greater than one second with no visual effects (including fading, swiping or other animated transition methods).

End of Schedule